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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

12 RACHEL URZUA, CASE NO: 2:23-cv-00811-GMN-NJK  
13 Plaintiff,  
14 v.  
15 WALMART, INC., a foreign corporation d/b/a  
16 WALMART MARKET #5269; DOES I  
through X; DOE EMPLOYEES I through X;  
17 ROE MAINTENANCE COMPANIES; and  
ROE CORPORATIONS I through X, inclusive,  
18 Defendant(s).

**STIPULATION AND ORDER TO  
CONTINUE BRIEFING FOR ALL  
PENDING MOTIONS**

**(SECOND REQUEST)**

20 Plaintiff, RACHEL URZUA, and Defendant, WALMART, INC., d/b/a WALMART  
21 MARKET #5269 (“Defendant”), by and through their respective counsel of record, hereby submit  
22 the instant Stipulation and Order to Continue Briefing for All Pending Motions (Second Request)  
23 pursuant to LR IA 6-1 and IA 6-2 and LR 26-3. Specifically, the parties seek to continue the  
24 deadlines for filing responsive briefing with respect to (1) Plaintiff’s Motion to Strike [Doc. 22],  
25 filed on January 25, 2024, responses to which are due February 8, 2024; and (2) Defendant’s Motion  
26 for Summary Judgment [Doc. 23], filed on January 25, 2024, responses to which are due February  
27 15, 2024. No hearing has been noticed for either motion.

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I.

## **PROCEDURAL HISTORY**

3 On April 3, 2023, Plaintiff filed her Complaint against Defendant WALMART, INC., d/b/a  
4 WALMART MARKET #5269 with the Eighth Judicial District Court for Clark County, Nevada.  
5 On April 27, 2023, Walmart filed its Answer to Plaintiff's Complaint. On May 11, 2023, Plaintiff  
6 filed her Request for Exemption from Arbitration in which she outlined her claimed injuries and  
7 alleged damages. On May 24, 2023, Defendant filed its Notice of Removal and removed the matter  
8 to this Court based on diversity jurisdiction. On June 8, 2023, Defendant filed its Statement  
9 Regarding Removal. The parties participated in the Fed. R. Civ. P. 26(f) conference on June 30,  
10 2023. The parties' proposed Joint Discovery Plan and Scheduling Order was denied by this Court  
11 on July 14, 2023 and the Court's Scheduling Order issued that same day.

In light of the closure of Defendant's counsel's law firm, on September 14, 2023, Defendant's Notice of Association of Counsel was submitted. On September 25, 2023, the Court's Order Granting in Part and Denying in Part Stipulation for Extension of Time was entered. The parties' Stipulated Protective Order was granted on October 27, 2023. On January 25, 2024, Plaintiff filed her Motion to Strike, responses to which are due February 8, 2024. Also on January 25, 2024, Defendant filed its Motion for Summary Judgment, responses to which are due on February 15, 2024. On February 1, 2024, this Court referred this action to Magistrate Judge Nancy J. Koppe for a settlement conference to be held on March 26, 2024 via videoconference.

II.

## **BASIS FOR REQUEST**

22 Good cause exists to continue the deadlines for responsive briefing to the parties' pending  
23 motions. The parties diligently complied with the Court's deadline for dispositive motions in this  
24 matter and timely filed their respective motions on January 25, 2024. However, this Court referred  
25 the case to a settlement conference, set to occur on March 26, 2024. *See Order* (Doc. 25). After  
26 meeting and conferring on the matter, the parties concluded that resolution without trial may more  
27 likely be obtained through private mediation rather than a settlement conference with the Court.  
28 Accordingly, the parties are scheduled for private mediation with Judge Trevor Atkin (Ret.) of

1 Advanced Resolution Management, to occur on May 1, 2024. Moreover, the parties further  
 2 concluded that the responsive briefing deadlines for Plaintiff's Motion to Strike and for Defendant's  
 3 Motion for Summary Judgment should be continued until after the May 1, 2024 private mediation.  
 4 Continuation is warranted to allow the parties to focus their time, money, and other resources on  
 5 negotiating resolution through private mediation and will avoid unnecessary burden to the Court's  
 6 docket. Finally, no party will be prejudiced by this request as both parties agree that continuing the  
 7 briefing deadlines and participating in private mediation on May 1, 2024 is the most likely path  
 8 toward early resolution prior to trial. Thus, good cause exists to continue the deadlines for responsive  
 9 briefing regarding the parties' pending motions.

10 **IV.**

11 **PROPOSED BRIEFING SCHEDULE**

	<b>Current Date</b>	<b>Proposed Date</b>
13 Response to Plaintiff's Motion to Strike:	02/08/2024	<b>06/01/2024</b>
14 Response to Defendant's Motion for	02/15/2024	<b>06/08/2024</b>
15 Summary Judgment:		
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